

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 552

BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-202, IDAHO CODE, TO ESTABLISH A CERTAIN FEE, TO REQUIRE THAT SUCH FEE BE DEPOSITED INTO A CERTAIN FUND AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 19-5202, IDAHO CODE, TO REQUIRE THAT CERTAIN FEES BE PAID INTO THE PUBLIC SAFETY AND SECURITY INFORMATION FUND.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license \$14.00
- (b) For issuing every Idaho certificate of title \$14.00
- (c) For furnishing a duplicate copy of any Idaho certificate of title \$14.00
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section \$26.00
- (e) For recording a transitional ownership document, in addition to any other fee required by this section \$26.00
- (f) For furnishing a replacement of any receipt of registration \$5.00
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record \$7.00
- Additional contractor fee, not to exceed \$4.00
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour .. \$18.00
- (i) Placing "stop" cards in vehicle registration or title files, each \$21.00
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) \$18.00

1 (k) For a vehicle identification number (VIN) inspection whether con-
 2 ducted by a city or county peace officer or any other peace officer or
 3 designated agent of the state of Idaho, per inspection \$5.00
 4 (l) For all replacement registration stickers, each \$2.00
 5 (m) For issuing letters of temporary vehicle clearance
 6 to Idaho-based motor carriers \$18.00
 7 (n) For all sample license plates, each \$21.00
 8 (o) For filing release of liability statements \$3.50
 9 (p) For safety and insurance programs for each vehicle operated
 10 by a motor carrier \$3.00
 11 (q) For issuance or transfer of every certificate of title on a new
 12 or used vehicle, or any other titled vehicle, in addition to any other
 13 fee required by this section, a fee deposited to the state treasurer
 14 and placed in the public safety and security information fund (ILETS
 15 fund) \$8.00

16 A lesser amount may be set by rule of the board.

17 (3) The fees required in this section shall not apply when the service
 18 is furnished to any federal, state, county or city peace officer when such
 19 service is required in the performance of their duties as peace officers.

20 (4) The department may enter into agreements with private companies or
 21 public entities to provide the services for which a fee is collected in sub-
 22 section (2) (g) of this section. Such private contractor shall collect the
 23 fee prescribed and remit the fee to the department. The contractor shall
 24 also collect and retain the additional fee charged for his services.

25 (5) (a) The department shall pay three dollars (\$3.00) of the fee col-
 26 lected by a county assessor or other agent of the department as provided
 27 in subsection (2) (a) through (f) of this section, and four dollars
 28 (\$4.00) as provided in subsection (2) (g) of this section, to the county
 29 assessor or sheriff of the county or agent collecting such fee, which
 30 shall be deposited with the county treasurer and credited to the county
 31 current expense fund. The remainder of the fees collected as provided
 32 in that subsection shall be paid by the department to the state trea-
 33 surer and placed in the state highway account.

34 (b) The fee collected under subsection (2) (k) of this section for a VIN
 35 inspection shall be placed in the city general fund if conducted by a
 36 city peace officer, in the county current expense fund if conducted by a
 37 county peace officer, shall be retained by the special agent authorized
 38 to perform the inspection, or paid to the state treasurer and placed to
 39 the credit of the Idaho state police if conducted by the Idaho state po-
 40 lice or in the state highway account if conducted by the department.

41 (c) The fee collected under subsection (2) (o) of this section for fil-
 42 ing release of liability statements shall be retained by the county as-
 43 sessor of the county collecting such fee, and shall be deposited with
 44 the county treasurer and credited to the county current expense fund.

45 (d) The fee in subsection (2) (m) of this section shall not apply when
 46 the Idaho-based motor carrier or its representative obtains and prints
 47 the document using internet access.

48 (e) The fee collected under subsection (2) (p) of this section for mo-
 49 tor carriers shall be paid by the department to the state treasurer and
 50 placed in the state highway account. The director and the director of

the Idaho state police shall jointly determine the amount to be transferred from the state highway account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A, Idaho Code.

(6) The fee collected under subsection (2) (q) of this section for issuance or transfer of every certificate of title on a vehicle shall be paid by the department to the state treasurer and placed in the public safety and security information fund (ILETS fund) established in section 19-5202, Idaho Code.

(7) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the ~~Idaho law enforcement telecommunications~~ public safety and security information system (ILETS).

(78) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(89) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(910) The department shall not renew a driver's license or identification card when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(101) The department shall not grant the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(112) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(123) The department shall revoke the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;

(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;

(d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;

(e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439, Idaho Code;

(f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. section 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this ~~subsection (f)~~ paragraph unless:

(i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and

(ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(134) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(145) The department shall institute educational programs, demonstrations, exhibits and displays.

(156) The department shall cancel a driver's license or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(167) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(178) The department shall employ expert and special help as needed in the department.

(189) The department shall compile accident statistics and disseminate information relating to those statistics.

(1920) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(201) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission, except where the duly elected officials of an incorporated city have established speed limits lower than those set by the department on the portion of state highways, excluding controlled-access and interstate highways, that pass through residential, urban or business districts within the jurisdiction of the incorporated city. The placement and maintenance of such a traffic-control device

1 by a local authority shall be made according to the board's manual and speci-
 2 fications for a uniform system of traffic-control devices.

3 (212) The department may conduct an investigation of any bridge or other
 4 elevated structure constituting a part of a highway, and, if it shall find
 5 that the structure cannot with safety to itself withstand vehicles travel-
 6 ing at a speed otherwise permissible under this title, shall determine and
 7 declare the maximum speed of vehicles which the structure can safely with-
 8 stand, and shall cause or permit suitable signs stating the maximum speed to
 9 be erected and maintained before each end of the structure.

10 (223) Whenever the department shall determine on the basis of an engi-
 11 neering and traffic investigation that slow speeds on any highway or part of
 12 a highway impede the normal and reasonable movement of traffic, the depart-
 13 ment may determine and declare a minimum speed limit below which no person
 14 shall drive a vehicle except when necessary for safe operation or in compli-
 15 ance with law, and that limit shall be effective when posted upon appropriate
 16 fixed or variable signs, except in cases where the duly elected officials of
 17 an incorporated city have established speed limits lower than those set by
 18 the department on portions of state highways, excluding controlled-access
 19 and interstate highways, that pass through residential, urban or business
 20 districts within the jurisdiction of the incorporated city.

21 (234) The department shall regulate or prohibit the use of any con-
 22 trolled-access highway by any class or kind of traffic which is found to be
 23 incompatible with the normal and safe movement of traffic.

24 (245) The department shall erect and maintain traffic-control devices
 25 on controlled-access highways on which any prohibitions are applicable.

26 (256) Wherever a highway crosses one (1) or more railroads at grade, the
 27 department or local authorities within their respective jurisdictions shall
 28 place and maintain stop signs, directing vehicular traffic approaching the
 29 crossing to come to a full stop prior to entering the crossing at all railroad
 30 crossings where electric or mechanical warning signals do not exist. Place-
 31 ment of these stop signs shall be mandatory except when in the determination
 32 of public highway agencies the existence of stop signs at a given crossing
 33 would constitute a greater hazard than their absence based on a recognized
 34 engineering study.

35 Nothing in this subsection shall be construed as granting immunity to
 36 any railroad company as to liability, if any, for an accident which might oc-
 37 cur at a crossing where stop signs are erected and in place, but liability, if
 38 any, shall be determined as provided by law. Liability on the part of govern-
 39 mental authorities on account of absence of any stop sign at a crossing shall
 40 be determined as provided by law.

41 (267) The department and local authorities are authorized to determine
 42 those portions of any highway under their respective jurisdictions where
 43 overtaking and passing or driving on the left side of the roadway would be
 44 especially hazardous and may by appropriate signs or markings on the roadway
 45 indicate the beginning and end of those zones and when signs or markings are
 46 in place and clearly visible to an ordinarily observant person, every driver
 47 of a vehicle shall obey those directions.

48 (278) The department and local authorities in their respective ju-
 49 risdictions may in their discretion issue special permits authorizing the
 50 operation upon a highway of traction engines or tractors having movable

1 tracks with transverse corrugations upon the periphery of the movable tracks
 2 or farm tractors or other farm machinery, the operation of which upon a high-
 3 way would otherwise be prohibited under this title or title 40, Idaho Code.

4 (289) The department and local highway authorities within their respec-
 5 tive jurisdictions may place official traffic-control devices prohibiting,
 6 limiting or restricting the stopping, standing or parking of vehicles on any
 7 highway where such stopping, standing or parking is dangerous to those using
 8 the highway or where the stopping, standing or parking of vehicles unduly in-
 9 terferes with the free movement of traffic thereon.

10 (2930) On any informational material printed after July 1, 1995, by or
 11 at the order of the department and distributed to counties, school districts
 12 or individuals for the purpose of assisting a person to successfully pass
 13 a driver's license test, the department shall include material about the
 14 state's open range law and responsibilities, liabilities and obligations of
 15 drivers driving in the open range.

16 SECTION 2. That Section 19-5202, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 19-5202. ESTABLISHMENT OF INFORMATION SYSTEM -- USE -- ACCESS CHARGE
 19 -- INTERSTATE CONNECTION. (1) Establishment of information system. The di-
 20 rector of the Idaho state police shall establish a public safety and security
 21 information system, known as "ILETS," which will interconnect the criminal
 22 justice agencies of this state and its political subdivisions and all agen-
 23 cies engaged in the promotion of highway safety into a unified information
 24 system. The director is authorized to lease such transmitting and receiving
 25 facilities and equipment as may be necessary to establish and maintain such a
 26 system.

27 (2) Use of information system. The public safety and security informa-
 28 tion system, known as "ILETS," shall be used exclusively for the law enforce-
 29 ment and criminal justice business of the state of Idaho and all the politi-
 30 cal subdivisions thereof, including all agencies engaged in the promotion of
 31 traffic safety.

32 (3) Judiciary and traffic safety. Nothing in this chapter shall pro-
 33 hibit the use of or participation in the information system herein provided
 34 by the judicial branch of the state government or by any other department,
 35 agency or branch of state or local government engaged in traffic safety.

36 (4) Access. The quarterly access fee to be charged each department or
 37 agency participating in the information system shall be set by the public
 38 safety and security information board, known as the "ILETS board," and in
 39 setting such fee the board shall take into consideration the usage of said
 40 system by each participant. There is hereby created the public safety and
 41 security information fund, to be known as the ILETS fund. All access fees
 42 collected under the provisions of this chapter and all certificate of title
 43 issuance or transfer fees collected pursuant to section 49-202(2)(q), Idaho
 44 Code, shall be paid into the fund.

45 (5) Interstate connection. The public safety and security information
 46 system provided for herein is hereby authorized to connect and participate
 47 with information systems of other states and provinces of Canada.